

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ONE WEST BANK, *a division of West Bank, FSB*
doing business as FINANCIAL FREEDOM,

Plaintiff,

vs.

TERRY RAGAIN, UNKNOWN HEIRS AND
LEGATEES OF DOROTHY JUANITA RAGAIN,
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, and UNKNOWN OWNERS
AND NON-RECORD CLAIMANTS,

Defendants.

Case No. 12-cv-1105-JPG

MEMORANDUM AND ORDER

This cause comes before the Court on plaintiff's motion to dismiss defendant Department of Housing and Urban Development and remand to state court (Doc. 9). Defendant Department of Housing and Urban Development filed a Disclaimer and Waiver of Redemption Rights (Doc. 8) and a response to plaintiff's motion (Doc. 11) in which it states it has no objection.

IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion (Doc. 9) is **GRANTED**.
2. The Department of Housing and Urban Development is **DISMISSED without prejudice**.
3. Pursuant to Federal Rule of Civil Procedure 54(b), there is no just reason for delay of entry of judgment as to the claim between the plaintiff and defendant Department of Housing and Urban Development. The Clerk of the Court is **DIRECTED** to enter a 54(b) judgment accordingly.
4. The remainder of this case is **REMANDED** to the Circuit Court of the First Judicial Circuit, Williamson County, Illinois, for all further proceedings.

Date: December 3, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
UNITED STATES DISTRICT JUDGE